

FINAL BILL REPORT

SSB 5867

C 55 L 20
Synopsis as Enacted

Brief Description: Resentencing of persons convicted of drug offenses.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Zeiger, Pedersen, Nguyen, Darneille, Ericksen, Walsh and Kuderer).

Senate Committee on Law & Justice
House Committee on Public Safety

Background: In 1981, the Legislature passed the Sentencing Reform Act (SRA), which established determinate sentencing for felony offenders. The SRA eliminated indeterminate sentences and parole in Washington, with some exceptions. Instead, the SRA determines a specific sentence within the statutory maximum. Judges select an offender's sentence within a standard sentence range provided in statute, which is calculated based on the statutorily designated seriousness level for the offense and the offender's criminal history score based on the offender's past convictions.

In 2002, the Legislature made several changes to how drug offenses were sentenced, including adopting a separate sentencing grid with broader judicial discretion, reduced seriousness levels for certain drug offenses, and eliminating double and triple scoring for certain drug offenses. The new drug offense sentencing grid took effect July 1, 2004.

The Uniform Controlled Substances Act is contained in chapter 69.50 RCW and the Imitation Controlled Substances Act is contained in chapter 69.52 RCW.

Summary: An offender sentenced for a drug offense prior to July 1, 2004, and who is currently serving a term of incarceration for that offense, is entitled to a resentencing hearing. The prosecuting attorney for the county in which the offender was sentenced must review the sentencing documents. If the offender qualifies for resentencing, the prosecutor must make a motion for relief to the sentencing court.

The sentencing court must resentence the offender as if the offender had not previously been sentenced, provided the new sentence is no greater than the initial sentence.

An offender is not entitled to resentencing under this section if they have been convicted of a most serious offense or violent offense.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Votes on Final Passage:

Senate	47	0
House	84	13

Effective: June 11, 2020